

 KNO: USAO 2013R00866

FILED
U.S. DISTRICT COURT
DISTRICT OF MARYLAND

2013 DEC 16 P 2:16

 U.S. DISTRICT COURT
DISTRICT OF MARYLAND

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

v.

DAVID WAYNE SWEET, JR.,

Defendant

CRIMINAL NO.   13 CR 0691

(Sexual Exploitation of a Minor for the
Purpose of Producing Child
Pornography, 18 U.S.C. § 2251(a);
Forfeiture, 18 U.S.C. § 2253, 28 U.S.C.
§ 2461(c))

INDICTMENT

COUNT ONE

The Grand Jury for the District of Maryland charges that:

On or about June 17, 2013, in the District of Maryland and elsewhere, the defendant,

DAVID WAYNE SWEET, JR.,

did knowingly employ, use, persuade, induce, entice, and coerce a minor to engage in any sexually explicit conduct as defined in Title 18, United States Code, Section 2256(2), for the purpose of producing a visual depiction of such conduct, and the visual depiction had been produced using materials that had been mailed, shipped, and transported in interstate and foreign commerce by any means, including by computer, that is, the defendant produced a visual depiction of a minor, specifically a 6-year-old female, Victim 1, engaged in sexually explicit conduct, in a file titled 1371522489045.jpg, that depicts a close-up image of Victim 1's vagina.

18 U.S.C. § 2251(a)

COUNT TWO

The Grand Jury for the District of Maryland further charges that:

On or about July 8, 2013, in the District of Maryland and elsewhere, the defendant,

DAVID WAYNE SWEET, JR.,

did knowingly employ, use, persuade, induce, entice, and coerce a minor to engage in any sexually explicit conduct as defined in Title 18, United States Code, Section 2256(2), for the purpose of producing a visual depiction of such conduct, and the visual depiction had been produced using materials that had been mailed, shipped, and transported in interstate and foreign commerce by any means, including by computer, that is, the defendant produced a visual depiction of a minor, specifically a 6-year-old female, Victim 1, engaged in sexually explicit conduct, in a file titled 1373336310822.jpg, that depicts an image of the defendant's finger touching the inside of Victim 1's vagina.

18 U.S.C. § 2251(a)

COUNT THREE

The Grand Jury for the District of Maryland further charges that:

On or about July 18, 2013, in the District of Maryland and elsewhere, the defendant,

DAVID WAYNE SWEET, JR.,

did knowingly employ, use, persuade, induce, entice, and coerce a minor to engage in any sexually explicit conduct as defined in Title 18, United States Code, Section 2256(2), for the purpose of producing a visual depiction of such conduct, and the visual depiction had been produced using materials that had been mailed, shipped, and transported in interstate and foreign commerce by any means, including by computer, that is, the defendant produced a visual depiction of a minor, specifically a 6-year-old female, Victim 1, engaged in sexually explicit conduct, in a file titled 1374116434736.jpg, that depicts a close-up image of Victim 1's vagina.

18 U.S.C. § 2251(a)

COUNT FOUR

The Grand Jury for the District of Maryland further charges that:

On or about August 3, 2013, in the District of Maryland and elsewhere, the defendant,

DAVID WAYNE SWEET, JR.,

did knowingly employ, use, persuade, induce, entice, and coerce a minor to engage in any sexually explicit conduct as defined in Title 18, United States Code, Section 2256(2), for the purpose of producing a visual depiction of such conduct, and the visual depiction had been produced using materials that had been mailed, shipped, and transported in interstate and foreign commerce by any means, including by computer, that is, the defendant produced a visual depiction of a minor, specifically a 6-year-old female, Victim 1, engaged in sexually explicit conduct, in a file titled 1375584201096.jpg, that depicts an image of the defendant's finger touching the outside of Victim 1's vagina.

18 U.S.C. § 2251(a)

COUNT FIVE

The Grand Jury for the District of Maryland further charges that:

On or about August 13, 2013, in the District of Maryland and elsewhere, the defendant,

DAVID WAYNE SWEET, JR.,

did knowingly employ, use, persuade, induce, entice, and coerce a minor to engage in any sexually explicit conduct as defined in Title 18, United States Code, Section 2256(2), for the purpose of producing a visual depiction of such conduct, and the visual depiction had been produced using materials that had been mailed, shipped, and transported in interstate and foreign commerce by any means, including by computer, that is, the defendant produced a visual depiction of a minor, specifically a 6-year-old female, Victim 1, engaged in sexually explicit conduct, in a file titled 1376448255068.jpg, that depicts an image of the defendant's finger touching the outside of Victim 1's vagina.

18 U.S.C. § 2251(a)

COUNT SIX

The Grand Jury for the District of Maryland further charges that:

On or about August 17, 2013, in the District of Maryland and elsewhere, the defendant,

DAVID WAYNE SWEET, JR.,

did knowingly employ, use, persuade, induce, entice, and coerce a minor to engage in any sexually explicit conduct as defined in Title 18, United States Code, Section 2256(2), for the purpose of producing a visual depiction of such conduct, and the visual depiction had been produced using materials that had been mailed, shipped, and transported in interstate and foreign commerce by any means, including by computer, that is, the defendant produced a visual depiction of a minor, specifically a 6-year-old female, Victim 1, engaged in sexually explicit conduct, in a file titled 1376791015508.jpg, that depicts a close-up image of the inside of Victim 1's vagina spread open with the defendant's fingers.

18 U.S.C. § 2251(a)

FORFEITURE ALLEGATION

The Grand Jury for the District of Maryland further finds that:

1. Pursuant to Title 18, United States Code, Section 2253, upon conviction of the offense set forth in Counts One through Six of the Indictment, in violation of 18 United States Code, Section 2251(a), the defendant,

DAVID WAYNE SWEET, JR.,

shall forfeit to the United States of America:

a. Any visual depiction described in Title 18, United States Code, sections 2251, 2251A, or 2252, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of Title 18, United States Code, Chapter 110;

b. Any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from the offense; and

c. Any property, real or personal, used or intended to be used to commit or to promote the commission of the offense.

The property to be forfeited includes, but is not limited to, the following: a Motorola CDMA XT 907 RAZR M with serial number 5542177.

2. If any of the property described above, as a result of any act or omission of the defendant:

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third party;

- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been comingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated in Title 18, United States Code, Section 2253(b).

18 U.S.C. § 2253

Rod J. Rosenstein/ko
ROD J. ROSENSTEIN
United States Attorney

A TRUE BILL:

SIGNATURE REDACTED

Foreperson

12-16-13
Date